

ADMINISTRATIVE-INTERNAL USE ONLY

OLC 72-1041

22 September 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Mr. Ray Jacobson, Civil Service
Commission, Regarding the Ervin Bill Amendment
to the Civil Rights Commission Legislation (H. R. 12652)

1. I called Ray Jacobson today and asked him if he had any information on proposed action by the House conferees on H. R. 12652. Jacobson said he had very little information on this except that they had gotten a report (as he assumed we had) on the first conference meeting on Wednesday and understood the conferees would meet again on Tuesday. (This is contrary to our understanding that there would be a conference committee meeting on Monday.)

2. Jacobson said one bit of information which they received on the first meeting of the conferees was rather disturbing to them. He said they had been advised that at the conference Senator Sam Ervin asked Senator Hugh Scott if there was any possibility of a Presidential veto of this bill. Scott responded he thought there would be no great problem if the security agencies were taken care of. This, of course, was upsetting to CSC representatives who are anxious to see material changes made in Ervin's language. I told Jacobson that I had not heard this story and asked him whether Civil Service had made its position on the legislation known to Senator Scott. I gathered from his response the Commission had not talked with Senator Scott but that Civil Service Director Bob Hampton now plans to speak to him.

3. I reviewed with Jacobson the information we had received from Herb Hoffman, House Judiciary Committee staff, on the first conference meeting including the fact that it appeared both Senator Ervin and Representative Celler would remain adamant in their positions on the legislation and

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the matter would be referred to the House floor. I also called Jacobson's attention to the speech made by Representative H. Allen Smith on the floor of the House in connection with a similar issue which arose with respect to the Military Procurement Authorization bill last year. Jacobson expressed interest in this and I gave him the date and page numbers of the Congressional Record.

4. I asked Jacobson if the Commission had done anything about the amendments to Title II as he had previously indicated they would. He said they had passed this material to Herb Hoffman. When I asked him if he had any Members lined up to introduce these amendments, he said they were hoping that Chairman Dulski, Post Office and Civil Service Committee, would do this but they had no commitment. I got the distinct impression from Jacobson that the Commission has really done very little to push its position on this legislation and while they have hopes that somehow it will be salvaged they have no firm understanding or commitment from anyone. For this reason I reviewed with Jacobson our position which was:

a. That we hoped Title II would be stricken from H. R. 12652 as being nongermane, or

b. That if the issue of germaneness is lost, the Commission would be successful in substituting the language of the Hanley bill (including specific exemptions for CIA and NSA but excluding the Employee Review Board provisions), and

c. That if these two approaches failed we were alerting our Subcommittee people to press for a specific exemption from Title II for NSA and ourselves.

Jacobson said he fully understood and agreed with this position.

5. I asked if he would let us know if he learned of any other developments and he said he would certainly do so.



Deputy Legislative Counsel

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